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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,343	06/25/2003	Cristian Petrulescu	MSFT-1734/302203.1	3983

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EXAMINER	
PIERRE LOUIS, ANDRE	
ART UNIT	**PAPER NUMBER**
2123	

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/606,343	PETRULESCU ET AL.	
	Examiner	Art Unit	
	Andre Pierre-Louis	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *05/25/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-30 have been presented for examination.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1,11, and 21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,9 and 17 of copending Application No. 10/199612. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the followings:

The claims of application No. 10/199612 contain every element of the instant application and as such anticipates claim 1,11, and 21 of the instant application. *In re Goodman*, 29 USPQ2d 2010 (CAFC 1993)

" A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re

Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to genus is anticipated by a patent claim to a species within that genus)," ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DICIDED: May 30, 2001).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-10 are rejected under 35 U.S.C. 101 because the claims merely directed to an abstract idea. The method as claims by the applicant does not require a computer to be performed and/or a pencil and paper can be used to perform the method. ***See MPEP 2106 [R2]***

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colby et al. (U.S. Patent No. 6,480,836), in view of Nwabueze et al. (U.S. Patent No. 6,775,675).

3.1 In considering the independent claims 1,11, and 21, Colby et al. substantially teaches a method in combination with first and second tables of data, the first table organizing a first type according to a first attribute, and a second table organizing a second type according to a second attribute, and particularly teaches the steps of: modeling a first measure according to the first type of the first table (*fig.5A-B*); modeling a first dimension according to the second attribute of the second table (*fig.5A-B*); and tying the first measure to the first dimension by, for each entry of the first attribute, allocating the entry to each entry of the first dimension in a first predetermined manner (fig.5A-B, col.7 line 42-col.9 line 6). Colby et al. also teaches the processor and memory of claim 17 (see Colby et al. fig.3). Furthermore Nwabueze et al. also teaches the use of a method that models a first and a second dimension as claimed by the applicant and the use of an OLAP system to define the dimension (see Nwabueze et al. col.4 lines 10-16) and teaches the computer medium with instruction as claimed in claim

11 (*see col.4 lines 36-51*). Thus, it would have been obvious to one ordinary skilled in the art at the time of the applicant's invention to combine the teachings of Colby et al. and Nwabueze et al. for the purpose of obtaining a system capable of performing various data analysis in a multi-dimensional data environment. Also *in col.4 line 52-col.5 line 3* Nwabueze et al teaches the advantage of being able to create and easily modify dimensions.

3.2 As per claims 2,12, and 22, the combined teachings of Colby et al. and Nwabueze et al. teach the steps of: modeling a second dimension according to the first attribute of the first table *(see Colby et al. fig.5A-B);* and tying the first measure to the second dimension according to the first attribute of the first table to allow the first measure to be analyzed by the second dimension according to the first attribute (*see Colby et al. fig.5A-B, col.7 line 42-col.9 line 6).*

3.3 Regarding claims 3,13, and 23, the combined teachings of Colby et al. and Nwabueze et al. teach modeling a first measure according to the first type of the first table, the first table comprising data stored in a relational database (*see Colby et al. fig.1A-D, col. 2 lines 1-23 and col.5 lines 26-37; also see Nwabueze et al. fig.1 (106*) and col.2 line 66-col.3 line 6).

3.4 With regards to claims 4,14, and 24, the combined teachings of Colby et al. and Nwabueze et al. teach allocating the entry to every one of select entries of the first dimension (*see Colby et al. fig. 1A-C, col.2 lines 1-23; also see Nwabueze et al. col.4 lines 36-51).*

3.5 As per claims 5,15, and 25, the combined teachings of Colby et al. and Nwabueze et al. teach allocating a portion of the entry to each of select entries of the first dimension (*see Colby et al. fig.1A-D, col.2 lines 1-23; also se Nwabueze et al. col.3 line 57-col.4 line 5).*

3.6 Regarding claims 6,16, and 26, the combined teachings of Colby et al. and Nwabueze et al. teach allocating an even portion of the entry to each of select entries of the first dimension (*see Colby et al., col.6 lines 49-65, also col.2 lines 36-43).*

3.7 With regards to claims 7,17, and 27, the combined teachings of Colby et al. and Nwabueze et al. teach allocating a proportional portion of the entry to each of select entries of the first dimension *(see Colby et al. col.2 lines 36-50, also col.6 lines 49-65).*

3.8 As per claims 8,18, and 28, the combined teachings of Colby et al. and Nwabueze et al. teach allocating the entry to a predetermined principal entry of the first dimension (*see Colby fig. 1A-D, col.2 lines 1-23; also Nwabueze et al. col.2 line 66-col.3 line 12).*

3.9 Regarding claims 9,19, and 29, the combined teachings of Colby et al. and Nwabueze et al. teach the steps of: modeling a second measure according to the second type of the second table (*see Colby et al.fig.5A-B, col.24 lines 20-26, also see Nwabueze et al. col.6 line 60-col.7 line 16*); modeling a second dimension according to the first attribute of the first table (*see Colby et al. fig.5A-B*); and tying the second measure to the second dimension by, for each entry of the second attribute, allocating the entry to each entry of the second dimension in a second predetermined manner

(see Colby et al. fig. 1A-D and fig.5A-B, *col.7 line 42-col.9 line 6, also Colby et al.* col.18 line 38-col.22 line 10, and Nwabueze et al. col.4 lines 6 lines 26-49).

3.10 As per claims 10,20, and 30, the combined teachings of Colby et al. and Nwabueze et al. teach the steps of: tying the second measure to the first dimension according to the second attribute of the second table to allow the second measure to be analyzed by the first dimension according to the second attribute (see Colby et al. fig.5A-B and fig.1A-C, col.22 line 64-col.24 line 49, col.18 line 38-col.22 line 10, also see Nwabueze et al. col.4 lines 6-24 and Nwabueze et al. col.4 lines 6 lines 26-49).

Conclusion

Claims 1-30 are rejected and this action is non-final.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Other references cited, but not used, are listed on the PTO-892.

Shah et al. reference numbers ***(USPG_PUB 2002/0059267 and 2004/0122813***) disclose a method for determining data queries to be sent by an analytical server monitoring system (RDBMS) by using hierarchical level metadata to describe the various structures.

Roussopoulos et al (***USPG_PUB No. 2003/0126143***) teaches a method relating to data warehouses and ability to create and maintain data cubes of a multi-dimensional data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Pierre-Louis whose telephone number is 571-272-8636. The examiner can normally be reached on Mon-Fri, 8am-4: 30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 20, 2005

APL

Paul L. Rodriguez 10/21/05

Primary Examiner
Art Unit 2125